THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19683 of 2006

29.9.2006

Between:
Gandham Venkata Swami Naidu, S/o.Veeraswamy

... Petitioner

AND
The Superintending Engineer, Assessments Circle,
APEPDC Ltd., Visakhapatnam
And others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19683 of 2006

ORDER:

The petitioner is an agriculturist, who allegedly owns land admeasuring Acs.7.67 situated at Thokalapudi village of Veeravasaram Mandal in West Godavari District. He is availing power supply under category III with Service Connection No.32 for his agricultural purpose. The third respondent herein inspected the petitioner's premises on 29.11.1997 and on noticing that the meter was not fixed to the petitioner's premises with connected load of 10 HP, assessed consumption of 600 units per month on average. He served provisional assessment order dated 20.12.1997. The petitioner submitted explanation before the Assessing Officer, the first respondent herein. The petitioner also filed a suit being O.S.No.472 of 1997 on the file of the Court of the Principal Junior Civil Judge, Bhimavaram, for perpetual injunction restraining the Andhra Pradesh State Electricity Board from disconnecting the power supply. The suit was ultimately dismissed on 03.4.2001. Thereafter the first respondent passed final assessment order dated 28.5.2006 determining the value of the energy at Rs.1,04,418/-, which includes the supervision charges and reconnection charges. The final assessment order dated 28.5.2006 was served on the petitioner on 28.8.2006. Aggrieved by the same, the present writ petition is filed.

Whether it is under terms and conditions of supply as applicable in 1997 or Section 127 of the Electricity Act, 2003, the petitioner has effective alternative remedy. The petitioner is given liberty to avail the same and file appeal before the first respondent immediately. As and when such appeal is filed, the same may be considered by the first respondent and appropriate orders may be passed within four weeks from the date of filing of the appeal.

The writ petition, with the above observations, is accordingly disposed of. No costs.

September 29, 2006. (**V.V.S.RAO, J**)

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